

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT HUGHES,)
Plaintiff)
)
vs.) Civil Action No. 05-463
M. EITNER, C/O I; C. BOWLIN, C/O I;) Judge Arthur J. Schwab/
SGT. BARKEFELT, C/O II; DAVID) Magistrate Judge Amy Reynolds Hay
GRAINEY, C/O IV; LOUIS FOLINO,)
Superintendent; JEFFERY BEARD, Sect.)
Of Corr.,)
Defendants)

ORDER

AND NOW, this 28th day of March, 2006, after the plaintiff, Robert Hughes, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the defendants' Motion to Dismiss is GRANTED as to the claim that false misconduct charges were filed and DENIED in all other respects;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal

Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

s/Arthur J. Schwab

ARTHUR J. SCHWAB
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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